

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

## UNITED STATES DISTRICT COURT

for the  
District of New MexicoFILED  
UNITED STATES DISTRICT COURT  
LAS CRUCES, NEW MEXICO

AUG 30 2023

MITCHELL R. ELFERS  
CLERK OF COURTIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)Galeana Auto Sale  
2250 W Picacho Ave, Las Cruces, NM 88007

Case No.

23-1699MR

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, which is attached and fully incorporated.

located in the \_\_\_\_\_ District of \_\_\_\_\_ New Mexico \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, which is attached and fully incorporated herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

☒ evidence of a crime;☒ contraband, fruits of crime, or other items illegally possessed;☐ property designed for use, intended for use, or used in committing a crime;☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18 U.S.C. § 922(g)(1)	- Felon in possession of a firearm and/or ammunition

The application is based on these facts:

See attached affidavit, which is attached and fully incorporated herein.

☒ Continued on the attached sheet.☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Neal Anglin

Applicant's signature

Neal Anglin, Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
electronic submission and telephonic swearing (specify reliable electronic means).

Date: 08-30-2023

Kevin R. Sweazea

Judge's signature

City and state: Las Cruces, New Mexico

Kevin R. Sweazea, United States Magistrate Judge

Printed name and title

**ATTACHMENT A**

**Property to be Searched**

The property to be searched is the business Galeana Auto Sale located at 2250 W Picacho Ave, Las Cruces, NM 88007 (“**SUBJECT PREMISES**”). The PREMISES is described as a single-level building and has a tan color exterior. The numbers “2250” are displayed horizontally affixed between two doors on the front of the business. The business has an overhang on the front that wraps around the left side of the business. The rear of the PREMISES is enclosed with a chain link fence. The name of the business is displayed on a large sign in front of the business visible from the street. In addition, the search shall be extended to any locked safe, vehicle, or container within the PREMISES or its curtilage associated with RODRIGUEZ.



**ATTACHMENT B**

*Property to be Seized*

1. All items constituting evidence and/or instrumentalities of violations of Title 18, United States Code, Section 922(g)(1) including, but not limited to, the following:
  - a. Firearms, ammunition, items associated with ownership of firearms such as holsters and magazines.
  - b. Documents and papers evidencing ownership of firearms, possession of firearms, storage and location of such assets and facilities to safely store and secure such items, such as safes, to include lock boxes, gun safes, and strong boxes.
  - c. Photographs of firearms and photographs of individuals possessing firearms showing the association of individuals.
  - d. Indicia of occupancy, residence, and/or ownership of the premises described herein, including, but not limited to, utility and telephone bills, cancelled envelopes, and keys.



**AFFIDAVIT IN SUPPORT OF SEARCH**  
**WARRANT**

I, Neal Anglin, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant for the business, Galeana Auto Sales, located at 2250 W Picacho Ave, Las Cruces, NM 88007 (“**SUBJECT PREMISES**” hereafter), within the District of New Mexico, further described in Attachment A, for the things described in Attachment B.

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), and have been since August 2022. Prior to my appointment with the ATF, I was a sworn law enforcement officer in the Commonwealth of Virginia for over nine (9) years, the last three of which I was assigned to the Special Investigations Bureau, Narcotics Unit. I am currently assigned to the Las Cruces Field Office, an enforcement group responsible for investigating violent crime, gangs, armed drug trafficking, and other firearm related violations. In my capacity as a law enforcement officer, I have investigated individuals for the illegal possession and use of firearms, illegal possession and distribution of controlled substances, and for commission of violent crimes. Many of these investigations involved the execution of search warrants and led to the arrest and conviction of individuals for violations of federal and state laws.

3. During my time as a law enforcement officer, I have become knowledgeable about the methods and modes of narcotics operations, and the language and patterns of drug use and trafficking. I have gained knowledge in the use of various investigative techniques including the use of wiretaps, physical surveillance, undercover agents, confidential informants and cooperating witnesses, the controlled purchases of illegal narcotics, the trafficking of firearms, electronic



surveillance, consensually monitored recordings, investigative interviews, financial investigations, and the execution of search and arrest warrants.

4. Based on my training and experience, I know that individuals that possess firearms typically store those firearms in their home, exterior storage units, their vehicles, or place of work, where they can be readily accessible for use in the protection of person and property.

5. Individuals who unlawfully possesses firearms also tend to maintain evidentiary items related to their possession, to include ammunition, gun cleaning kits, magazines, firearm notes, and photographs of firearms.

6. Individuals tend to keep firearms for long periods of time due to their tendency to hold or increase their value. Individuals who are prohibited from legally possessing firearms will maintain firearms for long periods of time due to the increased difficulty in acquiring firearms.

7. Persons unlawfully possessing and/or selling firearms tend to utilize computer systems such as mobile phones to interact with customers, potential customers and sources of firearms by way of phone calls, text messages, emails and social media websites and applications. Such text messages can be recovered after they have been erased from a cellular device.

8. Persons involved with unlawfully possessing firearms and/or trafficking often utilize their cellular/electronic device(s) to take and store photographs of firearms and/or themselves possessing firearms. Information deleted or stored in computers and/or electronic/cellular devices can be recovered utilizing data extraction equipment.

9. Based on the facts set forth herein, I submit there is probable cause that **SUBJECT PREMISES**, contain material evidence relating to the violation of felon in possession of a firearm and/or ammunition, in violation of Title 18, United States Code, Section 922(g)(1).

10. The facts and information contained in this affidavit are based upon my personal

knowledge of the investigation and observations of other law enforcement officers involved in this investigation. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of reports, documents, and other physical evidence obtained during the course of this investigation.

11. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and is not intended to include each and every fact and matter observed by me or known to the government.

### **INVESTIGATION**

12. On August 16, 2023, Dona Ana County Sheriff's Office (DASO) responded to the 5000 block of Nana Trail, Las Cruces, NM 88012, regarding a Subject (hereafter "WITNESS 1") breaking into the residence with a firearm. When DASO Deputies arrived on-scene, WITNESS 1 was detained by deputies, and they spoke with the resident of the home. The resident stated WITNESS 1 forced entry into their residence through the back door and had a firearm. During the encounter, WITNESS 1 advised the resident he needed help, because people were after him. WITNESS 1 then gave the firearm and a plastic bag containing \$17,000 of US Currency to the resident. DASO Deputies recovered a Armscor, Model M1911A1-FS, 45 caliber pistol with serial number RIA1983540 and the \$17,000 from the resident. The firearm was loaded and had a round of ammunition in the chamber.

13. Law Enforcement interviewed WITNESS 1 and he identified the Armscor, Model M1911A1-FS, 45 caliber pistol with serial number RIA1983540 as the firearm he possessed. WITNESS 1 also admitted to possessing the \$17,000 of US Currency. WITNESS 1 stated the firearm was loaded and he knew he was not allowed to possess firearms due to his criminal history. WITNESS 1 stated the firearm and \$17,000 belonged to Sergio RODRIGUEZ.

WITNESS 1 stated RODRIGUEZ is the owner of **SUBJECT PREMISES**. WITNESS 1 stated RODRIGUEZ had let him borrow a vehicle, and WITNESS 1 located the firearm and \$17,000 in the vehicle. WITNESS 1 said the \$17,000 was from a vehicle sale made by RODRIGUEZ and he was supposed to return the \$17,000 to RODRIGUEZ.

14. Law Enforcement drove WITNESS 1 to **SUBJECT PREMISES** and WITNESS 1 confirmed this was the business RODRIGUEZ owned. **SUBJECT PREMISES** had a sign in the front with the business name and the phone number 575-449-0089.

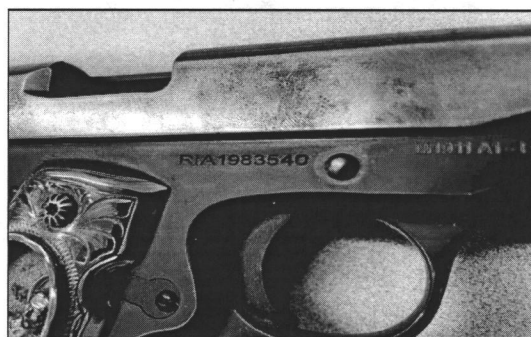
15. Law Enforcement obtained a copy of the business license & registration application and Taxation, State of New Mexico Taxation and Revenue Registration Certificate, and Commercial Liquid Waste Questionnaire for **SUBJECT PREMISES**. The documents showed the business started on May 11, 2017. The owner of the business is Sergio RODRIGUEZ, and his contact number is 575-449-0089.

16. Law Enforcement reviewed documents relating to RODRIGUEZ's criminal history and learned RODRIGUEZ was previously convicted of a felony offense in 2010 for Motor Vehicle Theft. This crime is punishable by imprisonment for a term exceeding one year.

17. Law Enforcement learned that on February 17, 2018, RODRIGUEZ attempted to purchase a firearm in Las Cruces, NM, but was denied due to his felony conviction. Law Enforcement reviewed the Firearms Transaction Record (4473) for the denial and learned RODRIGUEZ attempted to purchase a Rock Island Armory (Armcor), Model 1911, 45 caliber pistol with serial number RIA1943274 from Miller Guns and Ammo in Las Cruces, NM. RODRIGUEZ received a denied response through the National Instant Criminal Background Check System (NICS).

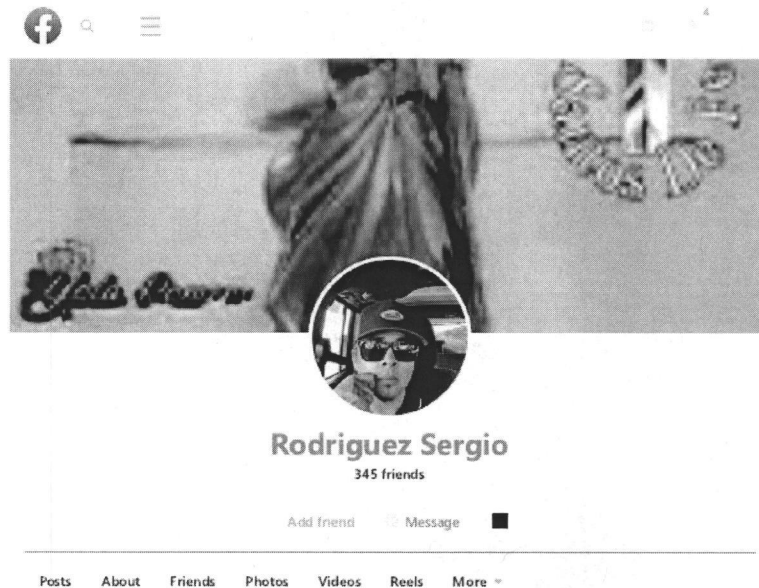


18. Law Enforcement reviewed the Firearms Transaction Record (4473) for the Armscor, Model M1911A1-FS, 45 caliber pistol with serial number RIA1983540 that was recovered during WITNESS 1's arrest. Law Enforcement learned the firearm was purchased on June 29, 2018, from Miller Guns and Ammo located in Las Cruces, NM. Below is a photo of the firearm recovered from WITNESS 1's arrest. WITNESS 1 told law enforcement that the firearm belonged to RODRIGUEZ and Witness 1 located the firearm in a vehicle that RODRIGUEZ let him borrow the day before his arrest on August 16, 2023.

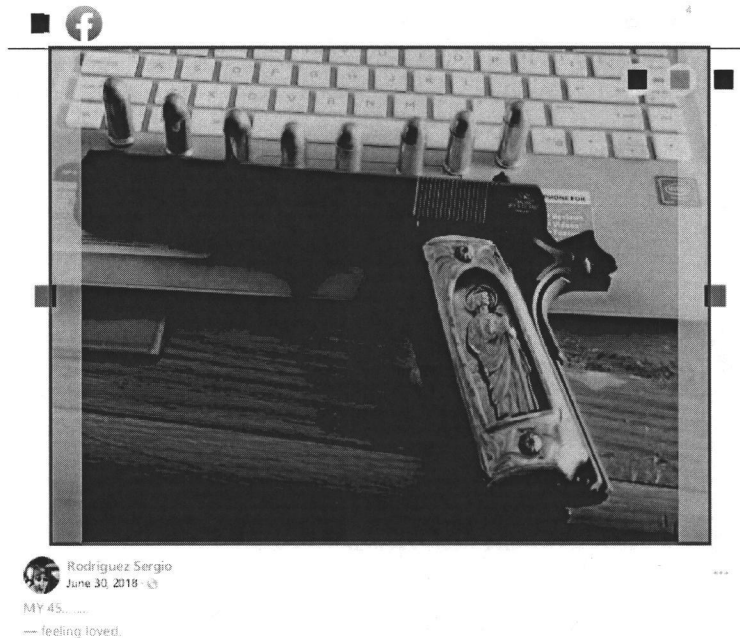


19. On August 17, 2023, an ATF Investigative Analyst conducted an open-source search and identified the Facebook account with the profile name “Rodriguez Sergio”. The profile picture is a photo of RODRIGUEZ. A search of the profile revealed Facebook posts of firearms and ammunition between the dates of January 2018 and July 2021 to include photos of RODRIGUEZ possessing a firearm inside of **SUBJECT PREMISES**. One of the posts is dated on June 30, 2018, and another post is dated September 17, 2018, and have photos of a firearm matching the description of the Armscor, Model M1911A1-FS, 45 caliber pistol with serial number RIA1983540 seized from WITNESS 1 during his arrest on August 16, 2023. The following Facebook post were observed on the Facebook profile name “Rodriguez Sergio”.

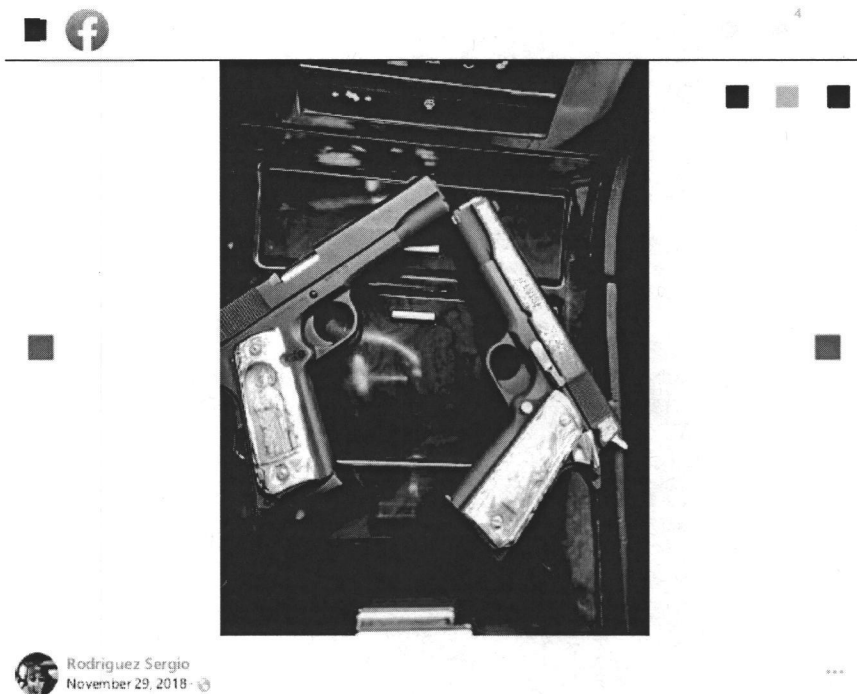
“Rodriguez Sergio” Facebook profile photo



Facebook post on June 30, 2018, with the caption, “MY 45.....” This was posted one day after the purchase of the firearm that was recovered from WITNESS 1’s arrest.



Facebook post on November 29, 2018

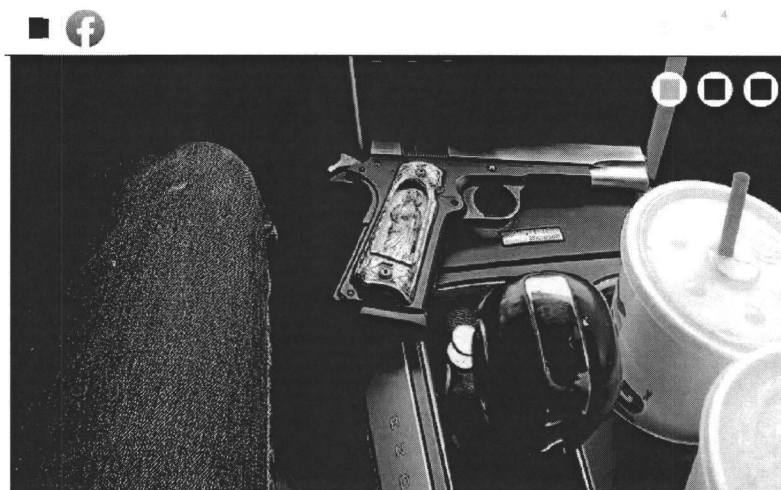




Zoomed in view from the post on November 29, 2018, of the firearm on the left. The serial number appears to be RIA19(unk)3540 which is consistent with the firearm recovered from WITNESS 1 during his arrest.



Facebook post on May 14, 2019, with the caption “Con la 45 l no me deja solo”



Rodriguez Sergio  
May 14, 2019 · 🌐  
Con la 45 l no me deja solo

Facebook post on September 17, 2020, with the caption "9mm 38 super 45mm 40mm 9mm"

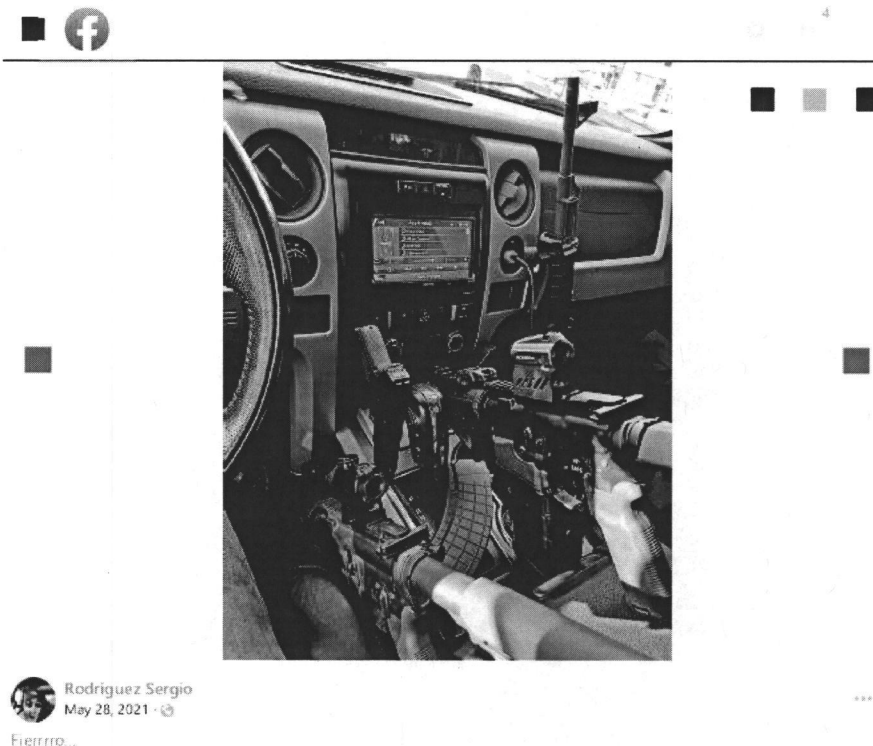


Rodriguez Sergio  
September 17, 2020 · 🌐  
9mm 38 super 45mm 40mm 9mm

Facebook post on March 19, 2021, with the caption "R15.....". This photo is consistent with the inside of **SUBJECT PREMISES**.

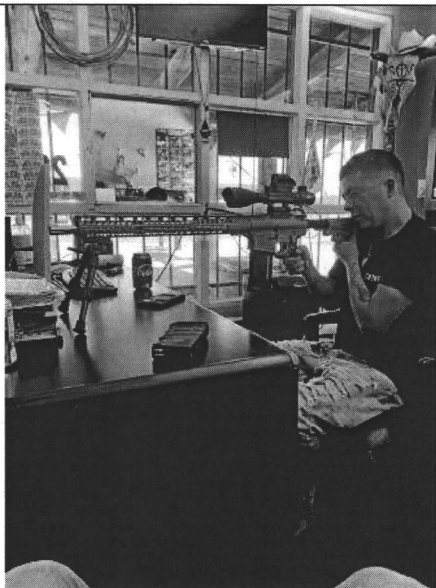


Facebook post on May 28, 2021, with the caption "Fierrro..."





Facebook post on June 7, 2021, with the caption "308....." This photo is consistent with the inside of **SUBJECT PREMISES**.



Rodriguez Sergio  
June 7, 2021 · 🌐

308.....

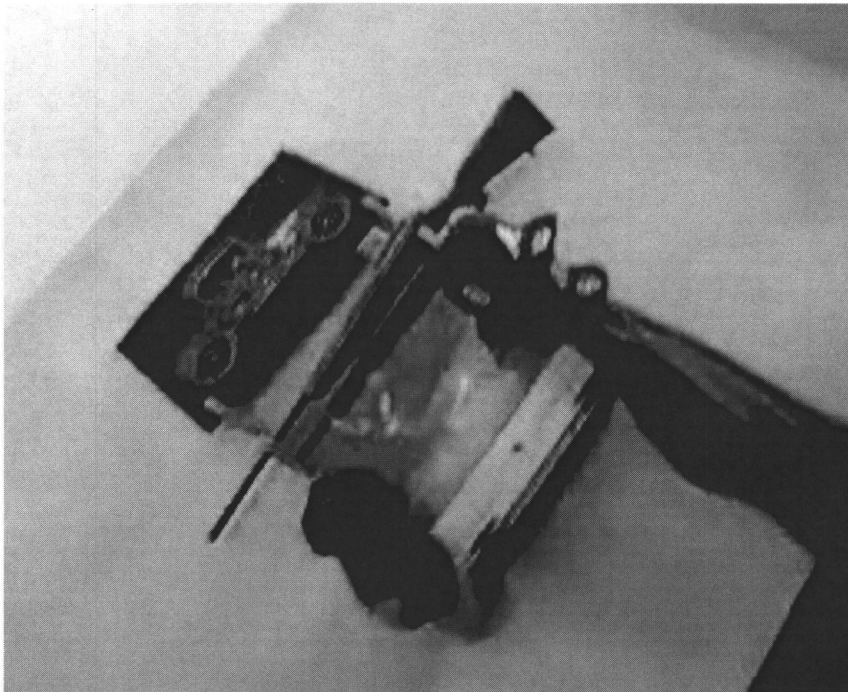
Facebook post on July 7, 2021, with the caption "New toy FN 5.7"



Rodriguez Sergio  
July 7, 2021 · 🌐

New toy FN 5.7 📷  
— feeling loved.

20. During the week of August 20, 2023, Law Enforcement entered **SUBJECT PREMISES** in an undercover capacity. While inside **SUBJECT PREMISES**, Law Enforcement observed what appeared to be a firearm consistent with a bolt action rifle placed on what looked like a wall mounted coat/hat rack. The firearm and wall mounted coat/hat rack is consistent with the background from the Facebook post on March 19, 2021, where a long gun appears to be in the same location. Law Enforcement also observed 2 rounds of ammunition sitting on a shelf of a desk. Below is a screenshot from the video recording that was obtained by law enforcement while inside of **SUBJECT PREMISES**.



21. Law Enforcement reviewed jail communication records and calls regarding WITNESS 1. A message report on showed on August 17, 2023, "Sergio Rodriguez" sent a message to WITNESS 1 in Spanish that said it was Sergio and to call him at 575-449-0089. On August 18, 2023, an outgoing call is made to 575-449-0089 from an inmate ID number not belonging to WITNESS 1. However, Law Enforcement believe WITNESS 1 is the one who made


the call. During the recorded jail call, WITNESS 1 talks to the subject regarding the circumstances of his arrest. The subject advises WITNESS 1 he needs to get his gun and money back, and that it can get him in trouble.

22. During the month of August 2023, Law Enforcement conducted surveillance on **SUBJECT PREMISES**. During the surveillance, RODRIGUEZ has been observed at the **SUBJECT PREMISES**, though he was not present when law enforcement entered the **SUBJECT PREMISES** in an undercover capacity as described in paragraph 20.

### CONCLUSION

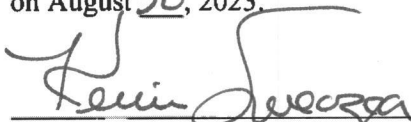
23. Based on the foregoing facts, there is probable cause to believe that RODRIGUEZ knowingly possessed firearms and ammunition, in violations of Title 18, United States Code, § 922(g)(1), within the District of New Mexico. In addition, there is probable cause to believe evidence of these violations are currently contained in the **SUBJECT PREMISES**. I submit that this affidavit therefore supports probable cause for a warrant to search the **SUBJECT PREMISES** described in Attachment A and to seize the items described in Attachment B.

Respectfully submitted,



Neal Anglin  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms, and  
Explosives

Electronically submitted.  
and telephonically sworn to before me  
on August 30, 2023.



The Honorable Kevin R. Sweazea  
United States Magistrate Judge